

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 21304 of 2007(J)

PETITIONER:

M/S KANNAMTHANAM & CO.,
MALAYAM P.O., THIRUVANANTHAPURAM, REP. BY
MANAGING PARTNER K.J.THOMASKUTTY, AGED 56 YEARS,
SON OF K.T.JOSEPH, KANNAMTHANAM, VADASSERIKKARA,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.A.V.THOMAS
SRI.JOJO GEORGE
SRI.NIDHI SAM JOHNS

RESPONDENTS:

1. THE DIRECTOR,
MINING AND GEOLOGY,
THIRUVANANTHAPURAM.
2. THE SENIOR GEOLOGIST,
MINING & GEOLOGY, KESAVADASAPURAM,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.21304 OF 2007

DATED THIS THE 30th DAY OF JULY, 2007

JUDGMENT

The petitioner applied for quarrying permit and complied with the procedure prescribed for the same. The petitioner complains that his application is not being considered by the 2nd respondent. In the above circumstances, the petitioner seeks the following reliefs.

“a) issue a writ of mandamus or other appropriate writ, order or direction to the second respondent to consider Exhibit P3 application and pass appropriate orders within a time frame to be fixed by this Hon'ble Court;

b) issue a writ of mandamus or other appropriate writ, order or direction to the second respondent to receive copy of Exhibit P3 application if the same is misplaced and pass appropriate orders thereon.

c) grant such other and further reliefs as this Hon'ble Court may deem fit to grant in the facts and circumstances of the case”.

2. I have in several cases held that when a citizen applies for a permit under the Kerala Minor Mineral Concession Rules, the Geologist has a duty to consider the same in accordance with law, that prevails on the date of such consideration. That being so, I am satisfied that the petitioner is entitled to the reliefs prayed for in this writ petition.

3. Accordingly, I direct the 2nd respondent to consider Ext.P3 application submitted by the petitioner and pass appropriate orders on the same in accordance with law as it stands on the date of such consideration. This shall be done within one month from the date of receipt of a copy of this judgment.

4. The petitioner points out that he has been informed by the office of the 2nd respondent that his application is missing although the chalan submitted by him for payment of fees is available. If that be so, the 2nd respondent shall receive a copy of Ext.P3 application and process the same along with chalan already on record.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd

